HOUSE ENROLLED ACT No. 1762

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-26-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a) This section does not apply to a ditch or drain if:**

(1) water from the ditch or drain empties into a lake before activities referred to in subsection (b) begin;

(2) water from the ditch or drain continues to empty into the lake at the same location after the activities are completed; and

(3) the activities are conducted using best management practices for soil and erosion control.

(b) A person may not:

(1) locate, make, dig, dredge, construct, reconstruct, repair, or reclean; or

(2) order or recommend the location, establishment, construction, reconstruction, repair, or recleaning of;

a ditch or drain having a bottom depth lower than the normal water level of a lake within one-half (1/2) mile of the lake without a permit from the department.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: _____   Time: _____

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